

REMARKS

Claims 1-33 are pending in the present application. Claims 1-8, 12-18, and 23-29 are amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness

The Office Action rejects claims 1-33 under 35 U.S.C. § 103 as being unpatentable over *Fader et al.* (U.S. Pat. No. 6,519,570) in view of *Baldwin et al.* (6,310,952). This rejection is respectfully traversed.

With respect to claim 1-3 and 5-11, the Office Action states:

As per claims 1-3, 5-11 *Fader* substantially discloses a system/method of conducting a time-auction among queuing customers. A bid is received from one of the queuing customers and compared with the prices being offered by the other customers waiting in line. The queuing showing a user's updated position in the queue due to having bid a higher rate to receive services from the information provider (which is readable as Applicant's claimed invention wherein it is stated that a method of providing service provider information to a client device in a distributed computer system) comprising:

obtaining at least one bid from one or more service providers for providing a service (see., abstract, col. 2, lines 36-39, fig 5, col 6, lines 47-64, specifically wherein it is stated that the customer is billed at the highest bid price for the services received from the service provider);

providing the at least one bid from the one or more service providers (abstract, col 6, lines 47-64).

It is to be noted that *Fader* fails to explicitly disclose an estimated time completion for the service. However, *Baldwin* discloses a method/system for providing easy access to a service provider that provides service over a communications system. A queue 27 informs a caller of an estimated amount of time before the caller will reach the top of the queue. A set of information includes information such as the name of the caller, the amount of money the caller is willing to pay, or bid, for a queue (see., *Baldwin*, col 4, lines 33-61). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the time-auction of *Fader* by including the limitation detail above because such modification would provide automated access to service providers based upon an estimated amount of time.

Office Action, dated May 30, 2003. Applicant respectfully disagrees. *Fader* teaches a system and method for conducting a time auction. More particularly, *Fader* teaches a system that enables customers to advance ahead of other waiting customers and receive

services from a **particular** information or service provider ahead of those who are not willing to pay as much for the service. See col. 2, lines 54-57. As stated in *Faber*, “[c]onsumers interested in acquiring services must first identify the service provider who is capable of providing the required services.” See col. 1, lines 16-18. In other words, *Faber* is not concerned with identifying a service provider. Rather, *Faber* is concerned with a time auction system and method for consumers who are bidding to gain access to a service provider.

Similarly, *Baldwin* teaches a method and apparatus for providing access to an overly popular service provider. *Baldwin* teaches a queuing system that allows a caller to bid an amount of money to move up in the queue. See col. 2, lines 20-31. *Baldwin* also teaches a user interface system that informs the caller of an estimated amount of time before the caller will reach the top of the queue. See col. 4, lines 41-51. Therefore, just like *Faber*, *Baldwin* is not concerned with identifying a service provider. Rather, *Baldwin* is concerned with a time auction system and method for consumers to bid against each other to gain access to a particular service provider.

In contradistinction, the present invention provides a method, apparatus, and computer program product for providing bids from a plurality of service providers to a client device. Claim 1 recites:

1. A method of providing service provider information to a client device in a distributed computer system, comprising:
 - obtaining bids from a plurality of service providers for providing a service;
 - determining an estimated time of completion for the service for each of the plurality of service providers; and
 - providing the bids from the plurality of service providers and the estimated time of completion for the service for each of the plurality of service providers to the client device.

Neither *Faber* nor *Baldwin* teaches or suggests “obtaining bids from a plurality of service providers for providing a service,” as recited in claim 1. More particularly, *Baldwin* teaches providing an estimated time the customer will be waiting in the queue; however, *Baldwin* does not teach determining an estimated time of **completion** of the service for each of the **plurality** of service providers. Furthermore, neither *Faber* nor *Baldwin* teaches or suggests providing the **bids** from the **plurality** of service providers and the

estimated time of completion for each of the plurality of service providers to a client device.

Faber and *Baldwin* teach methods and systems for allowing customers to bid against each other for access to a service provider. This is contrary to the present invention, which provides a method, apparatus, and program for allowing service providers to bid against each other based on an estimated time of completion of the service. The applied references, taken alone or in combination, fail to teach each and every claim limitation. Therefore, claim 1 is not rendered obvious by the proposed combination of *Faber* and *Baldwin*.

Claims 12 and 23 recite subject matter addressed above with respect to claim 1 and are allowable for the same reasons. Since claims 2-11, 13-22, and 24-33 depend from claims 1, 12, and 23, the same distinctions between *Faber* and *Baldwin* and the invention recited in claims 1, 12, and 23 apply for these claims. Additionally, claims 2-11, 13-22, and 24-33 recite other additional combinations of features not suggested by the reference.

More particularly, claim 3 recites:

3. The method of claim 1, further comprising:
receiving a selection of a selected service provider from the plurality of service providers and a command to place an order for the service with the selected service provider; and
placing an order with the selected service provider.

Neither *Faber* nor *Baldwin*, taken alone or in combination, teach or suggest providing the bids from the plurality of service providers and receiving a selection of a service provider. As stated above, *Faber* and *Baldwin* start with the premise that the consumer has selected a particular service provider. *Faber* and *Baldwin* are not concerned with selecting a service provider from a plurality of service providers for placing an order.

These features are not addressed in the Office Action; therefore, the rejection is improper. The Office Action does not establish a *prima facie* case of obviousness for claim 3. Claims 14 and 25 recite subject matter addressed above with respect to claim 3 and are allowable for the same reasons. Since the applied references, taken alone or in combination, fail to teach or suggest each and every claim limitation, claims 3, 14, and 25 are not rendered obvious by the proposed combination of *Faber* and *Baldwin*.

Claim 5 recites:

5. The method of claim 1, wherein the each bid further includes an estimated time to perform the service at a location associated with a corresponding service provider.

Neither *Faber* nor *Baldwin*, taken alone or in combination, teach or suggest obtaining bids from a plurality of service providers, wherein each bid includes an estimated time to perform the service at a location associated with a corresponding service provider. These features are not addressed in the Office Action; therefore, the rejection is improper. The Office Action does not establish a *prima facie* case of obviousness for claim 5. Claims 16 and 27 recite subject matter addressed above with respect to claim 5 and are allowable for the same reasons. Since the applied references, taken alone or in combination, fail to teach or suggest each and every claim limitation, claims 5, 16, and 27 are not rendered obvious by the proposed combination of *Faber* and *Baldwin*.

Furthermore, claims 6, 17, and 28 recite obtaining route information from a route determination provider based on a first location associated with the client device and a second location associated with a corresponding service provider. The Office Action fails to address this feature and, thus, fails to establish a *prima facie* case of obviousness for these claims. *Faber* and *Baldwin*, taken alone or in combination, fail to teach or suggest obtaining route information from a route determination provider. The applied references fail to teach or suggest each and every claim limitation; therefore, claims 6, 17, and 28 are not rendered obvious by the proposed combination of *Faber* and *Baldwin*.

Still further, claims 7, 18, and 29 recite obtaining historical travel data from a historical database. The Office Action fails to address this feature and, thus, fails to establish a *prima facie* case of obviousness for these claims. *Faber* and *Baldwin*, taken alone or in combination, fail to teach or suggest obtaining historical travel data from a historical database. The applied references fail to teach or suggest each and every claim limitation; therefore, claims 7, 18, and 29 are not rendered obvious by the proposed combination of *Faber* and *Baldwin*.

Therefore, the rejection of claims 1-33 under 35 U.S.C. § 103 is overcome.

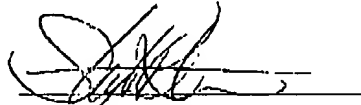
II. Conclusion

It is respectfully urged that the subject application is patentable over *Faber* and *Baldwin* and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: Aug. 27, 2003

Respectfully submitted,



Stephen R. Tkacs
Reg. No. 46,430
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
Agent for Applicants

OFFICIAL

FAX RECEIVED

AUG 28 2003

GROUP 3600